

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

CHARLES W. AUSTIN

v.

JOHN E. POTTER

)  
)  
)  
)  
)

No. 3:05-0466  
Judge Echols

O R D E R

Presently pending before the Court is the Magistrate Judge's Report and Recommendation ("R&R") entered October 17, 2005 (Docket Entry No. 6), to which no objection has been filed. In the R&R the Magistrate Judge recommends that this case be dismissed for failure to obtain service of process under Rule 4(m).

After independently reviewing the Magistrate Judge's findings and the entire record, the Court finds the Magistrate Judge's findings and conclusions are correct and they are APPROVED AND ADOPTED.

Accordingly, this case is hereby DISMISSED WITHOUT PREJUDICE. Entry of this Order shall constitute the final judgment in this action.

It is so ORDERED.



ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE

